

HOUSE BILL NO. 67

INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT MAKING IT A CRIMINAL OFFENSE FOR A PERSON TO OPERATE OR BE AN ADULT PASSENGER IN A MOTOR VEHICLE REQUIRED BY LAW TO HAVE SEATBELTS IF THE OPERATOR IS UNDER THE INFLUENCE OF ALCOHOL, A DANGEROUS DRUG, ANY OTHER DRUG, OR ANY COMBINATION OF THE THREE AND IF A PERSON UNDER 4 YEARS OF AGE IS IN THE VEHICLE AND IS NOT RESTRAINED, AS REQUIRED BY SECTION 61-9-420, MCA, OR A PERSON 4 YEARS OF AGE OR OLDER AND LESS THAN 18 YEARS OF AGE IS IN THE VEHICLE AND IS NOT WEARING A SEATBELT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Child passenger vehicular endangerment. (1) An operator of or adult passenger in a motor vehicle required by law to have seatbelts commits the offense of child passenger vehicular endangerment if the operator is under the influence of alcohol, a dangerous drug, any other drug, or any combination of the three, as provided in 61-8-401(1), and if:

(a) a person under 4 years of age is in the vehicle and is not restrained as required by 61-9-420; or

(b) a person 4 years of age or older and less than 18 years of age is in the vehicle and is not wearing a seatbelt.

(2) A person convicted of a first offense under this section shall be incarcerated for a term not to exceed 1 year or be fined an amount not to exceed \$5,000, or both. A person convicted of a second or subsequent offense under this section shall be incarcerated for a term not to exceed 2 years or be fined an amount not to exceed \$15,000, or both.

(3) In addition to the penalty imposed under subsection (2), if the motor vehicle is owned by the convicted person, the court may order the motor vehicle forfeited and the procedure contained in Title 44, chapter 12, part 2, and 61-8-421 applies to the extent applicable. If the motor vehicle was sold or otherwise transferred prior to the conviction, the court may, in lieu of ordering forfeiture of the motor vehicle, impose an additional fine in the amount of the value of the motor vehicle, as determined by the

1 court, at the time of the transfer.

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3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 45, chapter 5, part 6, and the provisions of Title 45 apply to [section 1].

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